

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:

Case Nos.:

17-cv-00343 (*Grooms v. 3M Co., et al.*)
 17-cv-00640 (*Johnson v. 3M Co., et al.*)
 17-cv-00711 (*Garcia v. 3M Co., et al.*)
 17-cv-00988 (*Gruetzmacher v. 3M Co., et al.*)
 17-cv-01017 (*Guzman v. 3M Co., et al.*)
 17-cv-01027 (*Warren v. 3M Co., et al.*)
 17-cv-01082 (*Petrakis v. 3M Co., et al.*)
 17-cv-01879 (*Sellers v. 3M Co., et al.*)
 17-cv-02738 (*Allen v. 3M Co., et al.*)
 17-cv-02747 (*Graves v. 3M Co., et al.*)
 17-cv-02755 (*Morris v. 3M Co., et al.*)
 17-cv-02763 (*Maxheimer v. 3M Co., et al.*)
 17-cv-02881 (*Prince v. 3M Co., et al.*)
 17-cv-02892 (*Saylor v. 3M Co., et al.*)
 17-cv-03038 (*Schapansky v. 3M Co., et al.*)

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY
WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare, Inc. (collectively, "Defendants") respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

Case Number	Plaintiff	Firm Name
0:17-cv-00343-JNE-FLN	Grooms	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-00640-JNE-FLN	Johnson	Brown & Crouppen, P.C.

0:17-cv-00711-JNE-FLN	Garcia	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-00988-JNE-FLN	Gruetzmacher	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01017-JNE-FLN	Guzman	Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A.
0:17-cv-01027-JNE-FLN	Warren	Bernstein Liebhard L.L.P.
0:17-cv-01082-JNE-FLN	Petrakis	Kennedy Hodges, L.L.P.
0:17-cv-01879-JNE-FLN	Sellers	Kennedy Hodges, L.L.P.
0:17-cv-02738-JNE-FLN	Allen	The Olinde Firm, L.L.C.
0:17-cv-02747-JNE-FLN	Graves	The Olinde Firm, L.L.C.
0:17-cv-02755-JNE-FLN	Morris	Kennedy Hodges, L.L.P.
0:17-cv-02763-JNE-FLN	Maxheimer	Kennedy Hodges, L.L.P.
0:17-cv-02881-JNE-FLN	Prince	Bernstein Liebhard L.L.P.
0:17-cv-02892-JNE-FLN	Saylor	The Olinde Firm, L.L.C.
0:17-cv-03038-JNE-FLN	Schapansky	Kennedy Hodges, L.L.P.

As set forth in Defendants’ Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet (“PFS”) compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants’ first and/or second deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants’ third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: January 4, 2018

Respectfully submitted,

s/ Benjamin W. Hulse

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